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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,787	04/16/2004	Mariam N. Maghribi	IL-11206	9076

7590 01/25/2007
Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

EXAMINER

HELLER, TAMMIE K

ART UNIT	PAPER NUMBER
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3766

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/825,787

Applicant(s)

MAGHRIBI ET AL.

Examiner

Tammie Heller

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,10,11,18,20,24,29,30,35,37 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,10,11,18,20,24,29,30,35,37 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on October 24, 2006 has been received and considered. By this amendment, claims 1, 10, 11, 18, 20, 29, 30, 35, 37, and 50 have been amended and claims 1, 5, 10, 11, 18, 20, 24, 29, 30, 35, 37 and 50 are now pending in the application.

Double Patenting

2. In view of Applicant's currently amended claims, the Examiner withdraws the double patenting rejections which were made against claims 1, 10, 18, 20, 29, 35, and 37 in the previous Office Action.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5, 10, 11, 18, 20, 24, 29, 30, 35, 37 and 50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "a longitudinal component" in line 12 and then again recites the limitation "a longitudinal component" in line 20. It is unclear whether there exist two longitudinal components or just one. The Examiner has considered the claim to require one longitudinal component.

Art Unit: 3766

7. Further, Claim 1 recites the limitation "an offset component" in line 13 and then again recites the limitation "an offset component" in line 22. It is unclear whether there exist two offset components or just one. The Examiner has considered the claim to require one offset component.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 5, 10, 18, 20, 24, 29, 35, 37 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Fishman et al. (U.S. 2003/0032946), herein Fishman. Regarding claims 1, 20, and 35, Fishman discloses a method and apparatus for controlling cell growth that includes a solid stretchable polymer body made entirely of PDMS, at least one microchannel in the polymer body, a conductive media in the microchannel which forms at least one circuit line (see Figure 3 and paragraph 69).

10. Regarding claims 5 and 24, it can be seen from Figure 3 of Fishman that the circuit line is sawtooth shaped with rounded corners.

11. Regarding claims 10, 29, and 37, Fishman discloses that the stretchable polymer body is made entirely of cast PDMS (see paragraph 69).

Art Unit: 3766

12. Regarding claims 18 and 50, Fishman discloses that the stretchable polymer body may be a microcable (see paragraph 63).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 11, 20, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert, previously cited, in view of Fishman. Regarding claims 1, 20, and 35, Albert discloses a mounted display assembly that includes a stretchable polymer body 140 and at least one circuit line 123 operatively connected to said stretchable polymer body which extends in the longitudinal direction (see Figure 3A). It can be seen in Figure 3A that the at least one circuit line 123 includes a longitudinal component that extends in the longitudinal direction and an offset component that is at an angle to the longitudinal direction. However, Albert fails to disclose that the stretchable polymer body is made entirely of PDMS. Fishman discloses an electrode array that utilizes a solid PDMS polymer body as PDMS is commonly known to be a highly biocompatible material and very beneficial for use as an implantable medical substrate. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize a solid PDMS polymer body substrate in the invention of Albert in order to optimize the biocompatibility of the device of Albert.

Art Unit: 3766

15. Regarding claims 11 and 30, Albert discloses that the at least one circuit line comprises conductive ink (see Paragraph 31, ln. 1-6).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammie Heller whose telephone number is 571-272-1986. The examiner can normally be reached on Monday through Friday from 7am until 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone

Art Unit: 3766

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tammie K. Heller
Patent Examiner
Art Unit 3766

TKH



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3766